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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,615	11/15/2000	Yuji Ayatsuka	112857-264	3858

29175 7590 07/08/2005

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EXAMINER
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POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/713,615

Applicant(s)

AYATSUKA ET AL.

Examiner

Melvin H. Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,8,9,11,12,14,18-23,25-30 and 33-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,8,9,11,12,14,18-23,25-30 and 33-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. P-11-327670.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see attached office action.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/6/05 has been entered.

### ***Drawings***

2. The drawings are objected to because Figure 10 is illegible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 3, 8, 9, 11, 12, 14, 18-23, 25-30, and 33-39 have been considered but are moot in view of the new ground(s) of rejection.
4. The original 102 rejection has been withdrawn in favor of new art.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 18, 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claims 18 and 33 recite the broad recitation "some user input means", and the claim also recites "keyboard" which is the narrower

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statement of the range/limitation. For the purposes of this action, the examiner will consider any input means to be acceptable.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 3, 8, 9, 11, 12, 14, 18, 19 - 21, 23, 25-30, 33, 34, 36 - 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Emens et al. (6,463,343).

10. For claim 1, Emens teaches a portable information processing terminal (abstract) adapted to be connected to one or more than one targets (col. 1, line 1 – col. 2, line 20) by way of a network (Fig. 1), said terminal comprising:

- a. An imaging means (Fig. 1, #116) for imaging visible identification information possessed by the targets (col. 5, lines 55-65);
- b. An identification means (col. 5, lines 1-15) for identifying the targets on the basis of the identification information imaged by said imaging means (col. 5, line 65 – col. 6, line 15);
- c. A connection means (Fig. 3, #302) for establishing connection between itself (Fig. 1, #104) and the targets identified by said identification means (Fig. 1, #120);
- d. An image confirmation means for confirming the images of the targets including said identification information (col. 5, lines 15-45); and

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- e. Said confirmation means displays status of connection to the one or more than one targets (col. 6, lines 15-45).
11. For claims 3 and 23, Emens teaches (abstract) an information input/output system (col. 1, line 1 – col. 2, line 20) comprising:
- a. A user terminal to be used by a user (Fig. 1, #102);
  - b. One or more than one targets (Fig. 1, #120) connected to said user terminal (Fig. 1, #104) in a format adapted to transfer of information and including visible identification information (col. 3, lines 30-50; col. 3, line 65 – col. 4, line 10);
  - c. An identification means for an identifying the targets on the basis of the identification information imaged by said imaging means (col. 4, lines 15-60); and
  - d. A connection means for establishing connection between the user terminal and the targets identified by said identification means (col. 2, line 40 – col. 3, line 15);
  - e. Said user terminal includes a display screen (Fig. 1, #108); and
  - f. The images and status of connection to the one or more than one targets taken by said imaging means is displayed on said display screen (Fig. 2D and 2E).
12. For claims 8 and 25, Emens teaches that said user terminal is connected to said targets by way of a network (col. 3, lines 25-30), said targets have respective network addresses (col. 3, lines 33-38), said information input/output system further comprising a data base means for controlling the correspondence between the identification information of each target and its network address (col. 5, lines 20-22), and said connection means being adapted to connect the user terminal and the targets by referring to said data base means for the network address of each target corresponding to the identification information (col. 6, lines 35-45).

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13. For claims 9, 26, Emens teaches that said connection means sustains the connection between the targets and said user terminal as long as the imaging means is imaging the targets or their identification information (col. 5, lines 20-25).

14. For claims 11, 27, Emens teaches that said connection means sustains the connection between the targets and said user terminal as long as the targets identified by said identification means are displayed on said display screen (Fig. 2G in view of Fig. 2H).

15. For claims 12, 28, Emens teaches that said images of the targets taken by said imaging means is held on said display screen as long as said connection means sustains the connection between the targets and said user terminal (col. 5, lines 20-25).

16. For claims 14, 29, 30, Emens teaches that said user terminal has a storage means for storing the taken images of said targets identified by said identification means, and said connection means establishes connection between said user terminal and relevant taken targets in response to the display of said image on said display screen (col. 5, lines 20-22).

17. For claims 18, 33, Emens teaches that said user terminal has some user input means (col. 6, line 5; cursor control device), and said application means transfers the user input data input by using said user input means as user input data on a computer system, or a target, as long as said connection means sustains the connection between the computer system and the user terminal (Fig. 3, #314 and #318).

18. For claims 19, 34, Emens teaches that said application means obtains the data to be shown from targets and displays them on the display screen as long as said connection means sustains the connection between said targets (Fig. 2H) including said data to be shown and updated regularly or irregularly and the user terminal (col. 6, lines 40-60).

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19. For claims 21, 36, 38, 39, Emens teaches that said application means transmits the video recording appointment information input at said user terminal to a target, or a video recording/reproduction apparatus having a video recording appointment feature so long as said connection means sustains the connection between said video recording/reproduction apparatus and the user terminal (col. 5, lines 15-20).

20. For claims 22, 37, Emens teaches that said application means displays an image of operation for controlling remotely controllable targets on the display screen and transmit the user operation displayed on the display screen to the targets as long as said connection means sustain the connection between the target and the user terminal (col. 6, lines 40-60).

***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 20 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens as applied to claims 3 and 23 above, and further in view of Fowler et al. (6,714,977).

23. For claims 20, 35, Emens does not expressly disclose that said application means receives alarms from a target, or a device having an alarm feature, and execute said alarm on said user terminal as long as said connection means sustains the connection between the target and the user terminal. Fowler teaches a method (abstract) of providing remote control of network devices (col. 1, line 1 – col. 4, line 51) using imaging systems (col. 7, line 25 – col. 8, line 10) to connect and monitor devices (col. 8, lines 10-60), in which alarms execute on a user terminal



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(Fig. 17; col. 8, line 60 – col. 9, line 5). At the time the invention was made, one of ordinary skill in the art would have added Fowler alarms to Emens in order to handle device problems (col. 3, lines 5-15) and to provide room information to the user (col. 3, lines 20-40).

### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They disclose related art regarding area networking and image handling. There are also items to show how conferencing systems, robots with attached cameras, and other potential embodiments may cover such claims.

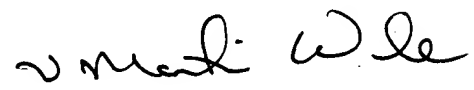
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887.

The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP  
30 June 2005

  
VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER